

Reply to Office Action of October 31, 2005
Amendment Dated: December 20, 2005

Appl. No.: 09/904,593
Attorney Docket No.: CSCO-008/4339

REMARKS

Claims 1-11,16-23,27-35, and 39-47 were examined in the final office action mailed on October 31, 2005. Applicants note with appreciation that claims 3-11,18-23,29-35 and 41-47 were indicated to contain allowable subject matter. In response, claim 27 is sought 5 to be amended, claims 48-51 are sought to be canceled, and new claims 52-55 are sought to be added by virtue of this amendment. The additions, amendments and cancellations are believed not to introduce new matter, and their entry is respectfully requested. Claims 1-11, 16-23, 27-35, 39-47 and 52-55 are thus respectfully presented for consideration.

Claim Rejections - 35 U.S.C. § 112

10 Claim 27 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it was noted that the term "said ATM backbone" has insufficient antecedent basis. In response, claim 27 is sought to be amended to add "transported on an asynchronous transfer mode (ATM) backbone" in the preamble of claim 27, and thus the 15 necessary antecedent basis is provided.

Withdrawal of the rejection under 35 U.S.C. § 112 with respect to claim 27 is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 16, 17, 27 and 28 were rejected under 35 U.S.C. 102(e) as being anticipated 20 by U.S. Patent number 6,775,268 issued to Wang *et al* (Hereafter "Wang"). The previously presented claims are believed to be allowable over Wang, for reasons noted below.

In particular, previously presented independent claim 1 recites in relevant parts:

A method of providing differentiated services for IP packets transported on an asynchronous transfer mode (ATM) backbone, said method comprising:
25 *provisioning a first switched virtual circuit (SVC) and a second SVC on said ATM backbone*, each of said first SVC and said second SVC being provisioned as a unicast point-to-point virtual circuit terminating between same end devices;
receiving an IP packet;

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30 determining whether to send said IP packet on said first SVC or said second SVC according to services desired to be provided for said IP packet; and sending said IP packet on the determined one of said first SVC or said second SVC.
(Previously amended claim 1, *Emphasis Added*)

35 Thus, a method in accordance with previously amended claim 1 requires that a first SVC and a second SVC be provisioned on a ATM backbone to provide differentiated services for IP packets transported on an asynchronous transfer mode backbone.

The examiner appears to have equated the fast interface and the interleaved interface of an ADSL system of Wang to the first and second SVCs of independent claim 1. Applicants respectfully disagree with such an interpretation at least based on the below.

40 As is well known and as would be appreciated by one skilled in the relevant arts, SVC has a defined meaning and requires that "... *SVC can be set up and released as and when required*, thereby potentially not tying up unused bandwidth and other resources (e.g., buffer space on ATM switches) on the ATMnetwork" (Page 2, lines 11-13 of the specification, *Emphasis Added*).

45 In sharp contrast, the fast and interleaved interfaces of Wang do not appear to have the characteristic of being setup and released as and when required.

Similarly, the term "provisioning a ... SVC" recited in claim 1 also has a well known meaning in the relevant arts and generally requires that coordination and/or communication occur between the ATM switches in the path of the SVC for such provisioning.

50 There does not appear to be such a coordination/communication in Wang in relation to setting up the fast and interleaved interfaces of Wang. It is believed that the fast and interleaved interfaces of Wang would exist without such provisioning.

At least for reason(s) such as above, claim 1 is believed to be allowable over the art of record. The remaining independent claims 16, 27 and 39 are also allowable at least for one or

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55 more reasons noted above. The presented dependent claims 2, 17, 28 and 40 are allowable at least as depending from an allowable base claim.

60 Each of new claims 52-55 is independently allowable at least as reciting that the "SVC contains at least one additional switch between said same end devices". Thus, all the presented claims are allowable over the art of record.

Conclusion

65 Thus, all the objections and rejections are believed to be overcome, at least in view of the above amendments and remarks. Withdrawal of the final action and continuation of examination is thus respectfully requested. The Examiner is invited to telephone the undersigned representative if it is believed that an interview might be useful for any reason.

Respectfully submitted,

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